

LOUISIANA STATE BOARD
OF
PRIVATE SECURITY EXAMINERS



LAW AND RULES

Compiled through 09/30/06

Louisiana Revised Statutes
Title 37. Professions and Occupations
Chapter 47. Private Contract Security Companies

Current through all 2006 First Extraordinary and Regular Session Acts

§ 3270. Declaration of purpose

A. The Legislature of Louisiana declares that it is necessary to require the licensure of private security agents and businesses to be in the best interest of the citizens of this state.

B. The purpose of this Chapter is to require qualifying criteria in a professional field in which unqualified individuals may injure the public. The requirements of this Chapter will contribute to the safety, health, and welfare of the people of Louisiana.

§ 3271. Private security law; short title

This Chapter shall be known and may be cited as the Private Security Regulatory and Licensing Law.

§ 3272. General definition of terms

A. As used in this Chapter, the following terms shall have the following meanings ascribed to them:

(1) "Applicant" means a person who seeks to be examined for licensure or registration by the board.

(2) "Armed security officer" is an individual who provides security services and who at any time wears, carries, possesses, or has access to a firearm or any other weapon defined by the board. All other defensive or offensive weapons not approved by the board are prohibited.

(3) "Armored car company or armed courier company" means any person that provides secured transportation and protection from one place or point to another place or point involving money, currency, coins, bullion, securities, bonds, jewelry, or other valuables.

(4) "Board" means the Louisiana State Board of Private Security Examiners, an agency in the Department of Public Safety and Corrections.

(5) "Branch manager" means the individual endowed with the responsibility and liability for a branch office.

(6) "Branch office" means a separate office which is part of a company licensed by the board.

(7) "Instructor" means any person approved and licensed by the board to administer and certify the successful completion of the required minimum training requirements for security officers.

(8) "Contract security company" means any person engaging in the business of providing, or which undertakes to provide, a security officer on a contractual basis for another person.

(9) "Department" means the Louisiana Department of Public Safety and Corrections.

(10) "Executive secretary" means the chief administrative officer of the board.

(11) "Licensee" means any person to whom a license is granted in accordance with the provisions of this Chapter.

(12) "Person" means an individual, firm, association, company, partnership, corporation, nonprofit organization, or other legal entity.

(13) "Principal corporate officer" means the president, vice president, treasurer, secretary, or comptroller or any other person who performs functions for the corporation corresponding to those performed by the foregoing officers.

(14) "Private security business" is any entity that provides protection to persons and property, excluding any law enforcement agency, but including any:

(a) Contract security company: or

(b) Armored car company or armed courier company.

(15) "Qualifying agent" means a responsible officer or executive employee meeting the experience qualifications set forth herein.

(16) "Registrant" means an individual who holds a valid registration card issued by the board.

(17) "Registration card" means the identification card issued by the board to a registrant as evidence that the registrant has met the required minimum qualifications.

(18) "Security officer" means an individual who is principally employed by a contract security company whether armed or unarmed, to protect a person or persons or property or both, and whose duties include but are not limited to the following:

(a) Prevention of unlawful intrusion or entry.

(b) Prevention of larceny.

(c) Prevention of vandalism.

(d) Protection of property or person.

(e) Prevention of abuse.

(f) Prevention of arson.

(g) Prevention of trespass on private property.

(h) Control, regulation, or direction of the flow or movements of the public, except on public streets, whether by vehicle, on foot, or otherwise.

(i) Street patrol service or merchant patrol service, which is any contract security company that utilizes foot patrols, motor vehicles, or any other means of transportation in public areas or on public thoroughfares in the performance of its security functions.

B. The board by rule may define terms only pursuant to and consistent with the provisions of this Chapter.

C. The provisions of this Chapter shall not apply to persons and corporations exempted by R.S. 37:3298.

§ 3273. Louisiana State Board of Private Security Examiners; creation; qualification; domicile; term of office; confirmation; oath of office; compensation

A. The Louisiana State Board of Private Security Examiners is hereby created as an agency of the state government in the Department of Public Safety and Corrections. The board shall be a body corporate and may sue and be sued.

B. The board shall consist of nine members appointed by the governor. One member shall be appointed from and shall reside in each of the five public service commission districts established by law. Four members shall be appointed from the state at large. Each member shall be a citizen of the United States of America, a resident of Louisiana, at least thirty years of age, and shall have been actively engaged in the private security business for at least five years. One of the members appointed at large shall be a representative of a nationally operated security company. Each member shall be licensed or registered with the board or a corporate officer of a licensed company.

C. The board shall be domiciled in Baton Rouge, but shall be authorized to meet elsewhere in the state.

D. Each appointed member shall serve at the pleasure of the governor for a term concurrent with the term of office of the governor appointing him, except that each member shall serve until his successor has been appointed and begins serving.

E. Each appointment by the governor shall be submitted to the Senate for confirmation. No appointee shall serve more than two consecutive terms.

F. In the event of death, resignation, or disability of a member of the board, the governor shall fill the vacancy by appointing a qualified person for the remainder of the unexpired term.

G. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office, shall file with the secretary of state his written oath or affirmation for faithful discharge of his official duty.

H. (1) No member of the board shall receive a per diem but shall be reimbursed for actual expenses when actually attending a meeting of the board or any of its committees, and for time spent on behalf of the board on official business not to exceed ten days in any month.

(2) Additionally, each member shall be reimbursed for all necessary travel and incidental, and clerical expenses incurred in carrying out the provisions of this Chapter and upon approval of the board as evidenced by voucher.

§ 3274. Powers, duties, authorities, and responsibilities; meetings; quorum

A. The board shall:

- (1) Examine all applicants to be licensed and regulated under the provisions of this Chapter.
- (2) Administer a written examination for prospective licensees at least twice each year.
- (3) Adopt rules and regulations to govern the practice of private security in the state of Louisiana.
- (4) Issue, suspend, modify, or revoke licenses or registration cards to provide private security in the state of Louisiana.
- (5) Report to the attorney general of the state of Louisiana all persons violating the provisions of this Chapter.
- (6) Elect a chairman and a vice chairman, each to serve two-year terms.

(7) Report annually, no later than March 1, to the governor, the secretary of the department, and the legislature on its activities.

(8) Adopt its official seal.

(9) Investigate alleged violations of the provisions of this Chapter and any rules and regulations adopted by the board.

(10) Govern in accordance with the Louisiana Administrative Procedure Act.

(11) Adopt rules to authorize the assessment of administrative penalties in the form of fines not to exceed five hundred dollars per violation and cost of the board's proceedings.

B. The board may:

(1) Adopt and enforce rules and regulations, bylaws, and rules of professional conduct as the board may deem necessary and proper to regulate private security businesses in the state of Louisiana, to provide for the efficient operation of the board, and otherwise to discharge its duties and powers under this Chapter.

(2) Prescribe and adopt regulations, standards, procedures, and policies governing the manner and conditions under which credit shall be given by the board for participation in a program of continuing professional education such as the board may consider necessary and appropriate to maintain the highest standards of the private security industry in the state of Louisiana.

(3) Authorize any member of the board to make any affidavit necessary for the issuance of any injunction or other legal process authorized under this Chapter or under the rules and regulations of the board.

(4) Issue subpoenas to require attendance and testimony and the production of documents, for the purpose of enforcing the laws relative to the private security industry and securing evidence of violations thereof.

(5) Maintain a current list of all businesses and persons licensed by the board.

(6) Appoint a qualified executive secretary.

(7) Employ clerical assistance necessary to carry out the administrative work of the board.

(8) Employ legal counsel to carry out the provisions of this Chapter, provided that the fees of such counsel and the costs of all proceedings except criminal prosecutions shall be paid by the board from its own funds.

(9) Incur all necessary and proper expenses.

(10) Purchase or otherwise acquire any real or personal property, including making or entering into mortgages, as may be necessary or convenient to the exercise of its powers in order to accomplish the purposes of this Chapter. The board shall take title to and hold such property in its name as an agency of the state.

(11) When a state of emergency has been declared in this state pursuant to R.S. 14:329.6, the board may authorize the operation of out-of-state private security businesses within the state and the use of its employees within the state for the duration of the state of emergency or for a stipulated amount of time after declaration of the state of emergency, not to exceed thirty days from the last day of the declared state of emergency, if the private security business:

(a) Is licensed in another state in which the qualifications, insurance, training, and other similar requirements are at least equal to those required under this Chapter.

(b) Has notified the board that they intend to operate in the state and submits all information requested by the board.

C. The chairman and executive secretary of the board, or in their absence any other member of the board, may administer oaths in the taking of testimony upon any matter appertaining to the duties and powers of the board.

D. The board shall meet quarterly at regular meetings each year. A special meeting may be held at such time and place as specified by the executive secretary on call of the chairman or any four members. The executive secretary shall give written notice of all meetings to the members of the board and to the interested public.

E. A majority of the voting members of the board shall constitute a quorum for all purposes, including the granting or issuance of licenses and the rulemaking and adjudicative functions of the board.

§ 3275. Executive secretary; duties

The position of executive secretary of the board is hereby created. The executive secretary shall be appointed by the board and shall serve as its chief administrator. He shall not be a member of the board, but shall be a full-time employee of the board, to be paid compensation in an amount to be determined by the board. The executive secretary shall perform such duties as may be prescribed by the board, and shall employ such persons as he deems necessary and fix their compensation. He shall have no financial or business interests, contingent dealings or otherwise, in the security services investigative business, watch, guard, or patrol agency while so employed or for a period of five years thereafter.

§ 3276. Qualifications of licensee

A. The board shall base the determination of the satisfactory minimum qualifications for licensing on whether or not the applicant meets the following criteria:

(1) Is of good moral character.

(2) Is of legal age.

(3) Is a citizen of the United States.

(4) Has not been convicted in any jurisdiction of any felony or any crime involving moral turpitude, or illegal use or possession of a dangerous weapon for any of which a full pardon or similar relief has not been granted under the laws of the United States, the state of Louisiana, or any state or country.

(5) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease which has not been restored.

(6) Does not suffer from habitual drunkenness or from narcotics addiction or dependence.

(7) A corporation seeking a license shall be incorporated under the laws of this state, or shall be duly qualified to do business within this state with a valid certificate of authority issued by the secretary of state, and shall have an agent for service of process designated as required by law.

B. If, in the opinion of the board, the applicant provides inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application, or may be required to present himself for an interview for this purpose.

C. An applicant for licensing shall fill out and file with the board an application form provided by the board. The form shall require relevant information about the applicant's character, experience, and background.

D. (1) If the applicant is an individual, the application shall be subscribed and sworn to by such person.

(2) If the applicant is a partnership, the application shall be subscribed and sworn to by each partner.

(3) If the applicant is a corporation, it shall be subscribed and sworn to by at least two principal corporate officers.

(4) Any individual signing a license application shall submit with the license application classifiable impressions of his fingerprints on a form approved by the board.

E. The licensee shall be required to have in effect general liability insurance of at least five hundred thousand dollars with the state of Louisiana named as an additional insured and shall provide to the board a certificate of insurance issued by the carrier.

F. Every person in the private security business shall apply to the board for a license prior to operating a business or soliciting business in Louisiana.

G. An applicant and/or qualifying agent for a security business shall have three years' consecutive experience as an employee, manager, or owner of a security company, or three years' experience as a law enforcement officer with any federal, state, local, or United States military law enforcement agency.

§ 3276.1. Suitability

A. No person may be eligible to apply or be granted a license under the provisions of this Chapter if he has been convicted in any jurisdiction of any crime of violence as defined by R.S. 14:2(13).

B. (1) No person shall be granted a license under the provisions of this Chapter unless the applicant has demonstrated to the board that he is suitable for licensing. For purposes of this Chapter, suitability means the applicant or licensee is:

(a) A person of good moral character, honesty, and integrity.

(b) A person whose prior activities, arrest, or criminal record if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation of private security companies, and do not create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and operations in the activities authorized by this Chapter and financial arrangements incidental thereto.

(c) Likely to conduct business as authorized by this Chapter in complete compliance with the provisions of this Chapter.

(d) Not prohibited from making application or disqualified from licensure under the provisions of Subsection A of this Section.

(e) A person who does not owe the state or local governing authority of the parish or municipality in which the company is located any delinquent taxes, penalties, or interest, excluding items under formal appeal or protest as provided by law.

(2) An applicant who is not disqualified from making application or licensure as a result of Subsection A of this Section shall still be required to demonstrate to the board that he otherwise meets the remaining requirements for suitability, particularly those contained in Subparagraphs (1)(a), (b), and (c) of this Subsection. Evidence of or relating to an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, shall be considered by the board even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.

C. All licensees and persons required to be qualified under this Chapter shall have a continuing duty to inform the board of any action which they believe would constitute a violation of this Chapter. No person who so informs the board shall be discriminated against by an applicant or licensee because of supplying such information.

D. Every person who has or controls directly or indirectly more than a five percent ownership, income, or profit interest in an entity which has or applies for a license in accordance with the provisions of this Chapter, or who receives more than five percent revenue interest in the form of a commission, finder's fee, loan repayment, or any other business expense related to the private security business, or every person who is an officer or a director of the company, or who has the ability, in the opinion of the board, to exercise a significant influence over the activities of a licensee authorized or to be authorized by this Chapter, shall meet all suitability requirements and qualifications for licensees.

§ 3277. Investigation; time; procedure

A. (1) After receipt of an application for a license, the board shall conduct an investigation to determine whether the facts set forth in the application are true.

(2) Within sixty days after receipt of an application, the board shall either issue a license to the applicant or notify the applicant of a denial of the license application.

(3) In the event that the board requires additional information from the applicant to complete its investigation, or otherwise to satisfy the requirements of this Chapter, or if the applicant has not submitted all of the required information with the application, the board shall notify the applicant by certified mail of the additional information required and the applicant shall have thirty days from the date of said notice to submit the additional information to the board, or the application shall be denied.

(4) The board shall deny the application for a license if it finds that the applicant, or the qualifying agent, or any of the applicant's owners, partners, or principal corporate officers have committed any of the following:

(a) Violated any of the provisions of this Chapter or the rules and regulations promulgated by the board.

(b) Practiced fraud, deceit, or misrepresentation.

(c) Knowingly made a material misstatement in the application for a license.

(d) Failed to meet the qualifications as outlined in R.S. 37:3276; and any other qualifications set forth in this Chapter and any rules and regulations adopted by the board.

(e) Repealed by Acts 1989, No. 552, § 2.

B. The board may refuse to issue a license for good cause shown.

§ 3278. Examination

The board shall determine the scope, form, and content of the examinations for licensure. The examination, which shall be written, shall test the applicant's knowledge of the private security business and his ability to apply that knowledge and to assume responsible charge in the practice of private security.

§ 3279. Approval, denial; procedure; appeals; prior qualifications

A. The procedure of the board in approving or denying an application shall be as follows:

(1) If the application is approved, the board shall notify the applicant in writing that a license will be issued.

(2) If the application is denied, the board shall notify the applicant in writing and shall set forth the grounds for denial.

(3) (a) If the grounds for denial are subject to correction by the applicant, the notice of denial shall so state and the applicant shall be given ten days after receipt of such notice or, upon application, a reasonable additional period of time within which to make the required correction.

(b) If the application is denied, the applicant, within thirty days after receipt of notice of denial from the board, may request a hearing on the denial. Within ten days after the filing of such request for hearing by the applicant, the board shall schedule a hearing to be held after due notice to the applicant. The hearing shall be conducted in accordance with the Administrative Procedure Act.

B. The board shall issue a license to each applicant who meets the requirements of this Chapter, passes satisfactorily the examination administered by the board, and pays the required fee.

C. An applicant who fails an examination may be examined again upon filing a reexamination application and paying the reexamination fee fixed by this Chapter.

D, E. Repealed by Acts 1991, No. 315, § 2.

§ 3280. License form; information; assignment or transfer

A. The license, when issued, shall be in a form prescribed by the board and shall include the following:

- (1) Name of the licensee.
- (2) Business name under which the licensee is to operate.
- (3) Addresses of the locations where the licensee is authorized to operate.
- (4) Number and date of the license, and its date of expiration.

B. (1) No license shall be assigned or transferred, either by operation of law or otherwise.

(2) If a sale, assignment, transfer, merger, or consolidation of a business licensed under this Chapter is consummated, the purchaser, assignee, transferee, or surviving or new corporation, who is not already a licensee, shall immediately apply for a license on a form prescribed by the board which shall include the general information required of this Chapter.

(3) The purchaser, assignee, transferee, or surviving or new corporation shall be subject to the same general requirements and procedures set forth in this Chapter to the extent such sections are applicable, and may continue the operation of that licensed business until notified by the board of its final decision on the new application for a license.

(4) For good cause shown, the board may extend the period of time for filing the application required.

§ 3281. Posting; unlawful posting; surrender of license

A. (1) Within seventy-two hours after receipt of the license certificate, the licensee shall cause the license certificate to be posted and to be displayed at all times in a conspicuous place in the principal office of the licensee within the state.

(2) Copies of the license certificate shall be displayed at all times in any other office within the state where the licensee transacts business.

(3) Such license certificates, or copies thereof, shall be subject to inspection at all reasonable times by the board.

B. It shall be unlawful for any person holding such a license certificate knowingly and willfully to post such license certificates, or permit such license certificate to be posted, upon premises other than those described in the license certificate, or knowingly and willfully to alter such license certificate.

C. (1) Each license certificate shall be surrendered to the board within seventy-two hours after it has been revoked or after the licensee ceases to do business.

(2) If, however, the board or a court of competent jurisdiction has pending before it any matter relating to the renewal, revocation, or transfer of a license, the licensee shall not be required to surrender the license until the matter has been adjudicated and all appeals have been exhausted.

(3) Repealed by Acts 1991, No. 315, § 2.

§ 3282. Notification of changes

The licensee shall notify the board within ten days of any change in its officers, directors, or other material change in the information previously furnished or required to be furnished to the board, or immediately upon any occurrence which could reasonably be expected to affect the licensee's right to a license under this Chapter.

§ 3283. Security officer registrant; card; application; qualifications; investigation; denial, suspension, or revocation; validity; renewal; change of address

A. (1) Each person who performs the functions and duties of a security officer within this state as defined in this Chapter shall apply to the board for a registration card.

(2) The portion of the board application indicating temporary registration shall be carried by the applicant when he is within the scope of his employment until such time as he receives his permanent registration card from the board.

(3) Individuals required to obtain a registration card under this Chapter shall file for a registration card and, upon completion thereof, the licensee shall immediately forward the application to the board.

(4) (a) Every applicant for a registration card shall make and deliver to the licensee a sworn application in writing upon a form prescribed by the board.

(b) The board shall prescribe by rule the form for such application and procedures for their submission, consideration and disposition, including the fee to accompany the application.

(c) To be eligible to apply for a registration card an individual shall have the same qualifications required of an applicant provided in R.S. 37:3276 but may be a resident alien.

B. Every person required to be registered by the board shall carry his registration card when performing the duties for which he is registered, and it shall be exhibited upon request by any authorized representative of the board or any law enforcement officer. The registration card shall entitle the registrant to perform the duties as described therein as long as the registrant maintains his eligibility under the provisions of this Chapter.

C. The registration card shall bear the name or license number of the employer, an identifying number, photograph, and any other identifying data required by the board.

D. After receipt of an application for a registration card, the board shall conduct an investigation to determine whether the facts set forth in the application are true. Actions by the board to approve or deny an application

for a registration card shall be the same as that action taken to deny or approve an application for license as provided in R.S. 37:3279.

E. (1) If the board denies, suspends, or revokes a registration card, the cardholder, upon receipt of the notice of denial, suspension, or revocation, shall immediately cease to perform the duties for which he is registered, ~~unless specifically authorized to continue work by order of the board, or by a court of competent jurisdiction within the state.~~

(2) Both the cardholder and the employer shall be notified by the board of its final action to deny, suspend, or revoke a registration card.

F. (1) Registration cards issued by the board shall be valid for a period of two years. The registrant shall be required to advise the board of any changes in his status or permanent address during the valid period. The cardholder shall file a registration card renewal form with the board not less than thirty days prior to the expiration of the card, together with the fee for renewal. The renewal application shall include a statement by the registrant that the registrant continues to meet the qualifications as set forth by the board.

(2) The board may refuse to renew a registration card, and shall promptly notify the cardholder of its intent to refuse to renew. The cardholder, within fifteen days after receipt of such notice, may request a hearing on such refusal, in the same manner and in accordance with the same procedure as that provided in R.S. 37:3279.

(3) A licensee or employer shall notify the board within ten days after the death or termination of employment of any of its employees who are registrants. Licensees or employers subject to this Chapter shall notify the board within ten days upon receipt of information relating to a registrant's loss of eligibility to hold such a card.

G. (1) Any individual who changes his permanent residence to this state from any other state which the board determines has selection, training, and all other similar requirements at least equal to those required under this Chapter, and who holds a valid registration, commission, identification, or similar card issued by said other state through a licensee which is licensed by this state, and who wishes to continue to be employed by said licensee, may apply for a registration card on a form prescribed by the board upon the payment of a transfer fee. Upon certification by said licensee that such individual has completed the training prescribed by said state, the board shall issue the individual a registration card.

(2) If a person who holds a registration card terminates employment with one employer and is reemployed within thirty calendar days, the new employer, within twenty days of such reemployment shall submit to the board a reapplication on a form prescribed by the board, together with a reapplication fee paid by the new employer. The board shall then issue a new registration card reflecting the name or license number, or both, of the new employer.

(3) The holder of a registration card who terminates employment shall surrender within forty-eight hours the registration card to the former employer. The employer shall return the cancelled registration card to the board within ten calendar days of effective termination date.

H. A registration card shall be subject to expiration and renewal during the period in which the holder of the card is subject to an order of suspension.

§ 3284. Training of security officers; requirements

A. The board shall approve all training programs and shall develop training criteria outlining specific curriculum to be used in the instructing and training of all security officers.

B. (1) Any security officer employed after the effective date of this Chapter shall complete, within thirty days of his first work assignment, eight hours classroom training under a licensed instructor and successfully pass an examination on the prescribed material which shall include the following topics:

hours.

- (a) Orientation to R.S. 37:3270 through 3298 and the board's rules and regulations: two hours.
- (b) Legal powers and limitations of a security officer: two hours.
- (c) Emergency procedures: two hours.
- (d) General duties/field notes/report writing: two hours.

(2) Armed security officers in addition to the training requirements outlined in Paragraphs (1) and (4) of this Subsection shall complete firearms training and range qualifications, as prescribed by the board, prior to armed work assignment. The nature and extent of firearms training shall be adequately described, approved, and monitored by the board to include at a minimum the following:

- (a) Legal limitations on use of weapons.
- (b) Handling of a weapon.
- (c) Safety and maintenance.
- (d) Dim light firing.
- (e) A shoot, don't shoot program.
- (f) Stress factors.

(3) Marksmanship requirement shall be a minimum of eighty percent on any silhouette target course approved by the board.

(4) Security officers shall have sixty days from date of first work assignment to complete an additional eight hours classroom training under a licensed instructor, as prescribed by the board, and successfully pass a fifty question test administered by the licensed instructor by achieving a minimum score of seventy percent.

C. Failure to complete the required training within the prescribed time period may preclude future consideration for a license for a period of one year.

D. (1) All armed security officers must complete an annual firearms retraining course, as prescribed by the board, which includes refresher courses on subjects previously specified, a written test of at least fifty questions, and retraining in firearms instructions, to include minimum marksmanship qualification of eighty percent on an approved silhouette target course approved by the board. The requirement that the test be a written test shall not be cause for an increase in the cost to the security officer of the required refresher course.

(2) Upon a registrant's completion of any training required, the licensee or employer, as the case may be, shall furnish to the board a documented training verification form of such completion signed by a licensed instructor within fifteen calendar days from said training.

E. All classroom training required by this Chapter shall be administered by a licensed instructor who:

- (1) Is approved by the board.
- (2) Meets the qualifications of an applicant as required by R.S. 37:3276(A)(1) through (6);
- (3) Has a minimum of three years supervisory experience with a contract security company, proprietary security organization, or with any federal, state, parochial, municipal, or United States military law enforcement agency; or

(4) Degree in administration of justice or the equivalent thereof from an accredited college or university; or

(5) P.O.S.T. certified instructor; or

(6) Teaching certificate issued by the state of Louisiana, Department of Education, or the equivalent thereof, and one year supervisory experience in the security field.

F. All firearms training required by this Chapter shall be administered by a licensed instructor who:

(1) Meets the same qualifications of a classroom instructor as required by Subsection E; and

(2) Has successfully completed training and possesses a National Rifle Association Security or Police Firearms Instructor certificate, or a P.O.S.T. Firearm Instructor Certificate, or a Department of Energy Firearms Instructor Certificate, or certification by a branch of the United States military.

G. A board-licensed instructor may be held accountable for improperly certifying security officers. and upon showing of cause, his license as an instructor may be suspended or revoked.

H. All board-licensed instructors shall be required to carry a minimum of one hundred thousand dollars of general liability insurance with the state of Louisiana named as the additional insured and provide the board with a certificate of insurance as proof of coverage.

I. All applicants who apply to the board to become licensed as an instructor are required to pass a written examination administered by the board. The passing grade of the examination shall be seventy percent.

J. Current and former law enforcement officers or current or former military law enforcement officers who have successfully completed a P.O.S.T. certification and firearms training program or equivalent within one year prior to application may submit proof of such documentation to the board as proof of training, which shall be considered the equivalent of the classroom training for security officers as required in Paragraphs (B)(1), (2), and (4) of this Section, but shall not exempt them from the requirements of Paragraph (D)(1) of this Section.

§ 3285. Transportation of firearms

An armed security officer whose duties require the transporting of a firearm to and from the work assignment and his residence, or between assignments, shall be required to have in his possession an armed registration card issued by the board. This registration card does not permit the carrying of concealed weapons.

§ 3286. Fees

A. The board may assess the following schedule of fees, which shall not be refundable:

(1) Company licensee:

(a) Application fee--\$20.00.

(b) Examination fee--\$50.00.

(c) Reexamination fee--\$20.00.

(d) Initial license fee--\$400.00.

(e) Renewal license fee--\$400.00.

(f) Replacement fee for a lost, destroyed, or mutilated license--\$10.00.

(2) Registrant:

- (a) Application fee--\$30.00.
- (b) Renewal fee--\$30.00.
- (c) Transfer fee--\$10.00.
- (d) Replacement fee for a lost, destroyed, or mutilated card--\$10.00.
- (e) Reinstatement fee--\$10.00.
- (f) Status change fee--\$10.00.

(3) Instructor licensee:

- (a) Application fee--\$20.00.
- (b) Inhouse/outside classroom license fee--\$100.00.
- (c) Inhouse/outside firearms license fee--\$150.00.
- (d) Transfer application fee--\$20.00.
- (e) Inhouse/outside classroom renewal license fee--\$100.00.
- (f) Inhouse/outside firearms renewal license fee--\$150.00.
- (g) Examination fee--\$25.00.
- (h) Reexamination fee--\$15.00.
- (i) Replacement fee for a lost, destroyed, or mutilated license--\$10.00.
- (j) Inhouse/outside baton instructor fee--\$100.00.
- (k) Inhouse/outside baton instructor renewal license fee--\$100.00.

B. All fees shall be paid by check or money order made payable to the board.

C. Any fees payable by a registrant under this Chapter, or paid by a licensee on the registrant's behalf, or any deposits which may be required by a licensee from a registrant under this Chapter, may be deducted from any wages payable to the registrant by the licensee; provided that such deduction does not reduce the hourly wage below the applicable minimum wage law.

D. After complying with the Administrative Procedure Act, fees may be assessed on licensees and registrants in addition to the above stated fees as may be required to cover administrative costs.

§ 3287. Renewal of license, certificate; penalty

A. A license shall expire annually on the date of issuance unless renewed by payment of the required renewal fee at least thirty days prior to its expiration. The board shall notify the licensee of the renewal at the last known address at least sixty days in advance of the expiration. If a license is not renewed upon its expiration date, it shall be deemed to have lapsed and to be invalid. The delinquent licensee shall apply again for initial licensure.

B. The board shall issue the same number for the renewed license as that number issued for the original license or shall deny renewal within thirty days. The board shall promptly notify the licensee if it refuses to renew the license.

C. The licensee, within fifteen days after receipt of such notice of intent to refuse to renew a license, may request a hearing on such refusal. A licensee shall be permitted to continue to be engaged in business while his renewal application is pending.

§ 3288. Administrative penalties

A. (1) Any person who is determined by the board, after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act, to have committed an egregious act that is a violation of this Chapter or regulation or rule issued thereunder is subject to an administrative penalty of not more than five thousand dollars per violation per day and shall subject such person to revocation of his license. Such egregious acts shall include but not be limited to the following:

(a) Knowingly operating a private security business without meeting the insurance requirements as provided for in this Chapter.

(b) Consistently operating a private security business in violation of the insurance requirements provided for in this Chapter.

(c) Submitting fraudulent documents to the board as required or requested by the board.

(d) Forgery of any documentation submitted to the board.

(e) Operating a private security business without obtaining the required firearms training.

(2) Any person committing any non-egregious acts in violation of this Chapter or any regulation or rule issued thereunder is subject to an administrative penalty of not more than one thousand dollars per violation per day.

B. The board, in accordance with the Administrative Procedure Act, may adopt a schedule of administrative penalties for minor violations that can be assessed by the executive secretary when the violator waives the right to an administrative hearing.

§ 3289. Causes for nonissuance, suspension, revocation, or restrictions; fines; reinstatement

A. The board may refuse to issue or may suspend, revoke, or impose probationary or other restrictions on any license issued under this Chapter for good cause shown which shall include the following:

(1) Conviction of a felony or entry of a plea of guilty or nolo contendere to a felony charge under the laws of the United States of America or of any state.

(2) Deceit or perjury in obtaining any certificate or license issued under this Chapter.

(3) Providing false testimony before the board.

(4) Efforts to deceive or defraud the public.

(5) Professional incompetency or gross negligence.

(6) Rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports.

(7) The refusal of the licensing authority of another state to issue or renew a license, permit, or certificate to practice in that state, or the revocation or suspension of or other restriction imposed on a license, permit, or certificate issued by such licensing authority.

(8) Aiding or abetting a person to evade the provisions of this Chapter or knowingly combining or conspiring with an unlicensed person, or acting as an agent, partner, associate or otherwise, of an unlicensed person with intent to evade provisions of this Chapter.

(9) Violation of any provision of this Chapter or any rules or regulations of the board or rules of professional conduct promulgated by the board.

B. The board, as a probationary condition or as a condition of the reinstatement of any license suspended or revoked hereunder, may require the holder to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees and assess administrative penalties not to exceed five hundred dollars per violation.

C. Four concurring votes of the board shall be required for the revocation of any license. Four concurring votes shall be required for suspension of any license or the imposition of costs or fines in excess of five hundred dollars.

D. Any certificate or license suspended, revoked, or otherwise restricted by the board may be reinstated by majority vote of a quorum.

§ 3290. Insignias; markings; clothing; restrictions

A. (1) With the exception of sworn peace officers in police uniform, no individual, while performing the duties of a security officer, shall wear or display any badge, insignia, device, shield, patch, or pattern which shall indicate or tend to indicate that he is a sworn peace officer, or which contains or includes the word "police", or the equivalent thereof, or is similar in wording to any law enforcement agency in this state.

(2) A copy of such badges and insignias of the licensee shall be submitted for approval to the board at the time of filing for initial and renewable license application.

(3) Security officer uniforms shall be specifically described and a full length picture of said uniform shall be submitted to the board for approval.

B. No person, while performing any private security services, shall have or utilize any vehicle or equipment displaying the words "police", "law enforcement officer", or the equivalent thereof, or have any sign, shield, marking, accessory, or insignia that may indicate that such vehicle is a vehicle of a public law enforcement agency.

C. (1) Repealed by Acts 1997, No. 155, § 2.

(2) All military or police-style uniforms, except for rainwear or other foul weather clothing, shall have affixed over the left breast pocket or on the sleeve of the shirt, blouse, or the outermost garment, and on all caps worn by such persons, badges, or insignias distinct in design from those utilized by law enforcement agencies within the state, and approved by the board.

(3) Suppliers of uniforms shall be prohibited from the sale or rental of uniforms, badges, and insignia of a licensee or law enforcement agency without appropriate certification from such licensees or agencies that the intended purchaser is properly authorized to use those items.

D. An employer may require a reasonable deposit to secure the return of the uniform, weapon, or any equipment provided by the employer, provided that such deduction does not reduce the hourly wage below the applicable minimum wage law.

§ 3291. Unlawful commissions

A. It shall be unlawful for any person to knowingly commit any of the following acts:

- (1) Provide contract security services without possessing a valid license.
- (2) Employ any individual to perform the duties that are regulated by this Chapter, who is not the holder of a valid registration card.
- (3) Publish any advertisement, letterhead, circular, statement, or phrase of any sort which suggests that the licensee is an official police agency or any other agency, instrumentality, or division of this state or any of its political subdivisions, or of the federal government.
- (4) Issue any badge or shield not in conformance with R.S. 37:3290.
- (5) Designate an individual as other than one defined in R.S. 37:3272 to circumvent the requirements of this Chapter.
- (6) Knowingly make any false statement or material omission in any application filed with the board.
- (7) Falsely represent that a person is the holder of a valid license or registration; or
- (8) Violate any provision of this Chapter or any rule or regulation of the board.
- (9) Provide security for any obvious criminal conduct.

B. It shall be unlawful for any person to knowingly commit any of the following:

- (1) Provide or perform security services without a valid registration card.
- (2) Fail to return immediately on demand or within twenty-four hours of termination of employment a firearm issued by an employer.
- (3) Carry a firearm in the performance of his duties without a valid registration card.
- (4) Fail to return immediately on demand or within seven days of termination of employment any uniform, badge, or other item of equipment issued to the security officer by an employer.
- (5) Make any statement which would reasonably cause another person to believe that the security officer functions as a sworn peace officer or other official of this state, or of any of its political subdivisions, or an agency of the federal government.
- (6) Fail to comply with the regulations issued by the board, or with any other requirements under the provisions of this Chapter.
- (7) Divulge to anyone, other than his employer, or to such persons as his employer may direct, or as may be required by law, any information acquired during such employment that may compromise the security of any premises or assignment to which he shall have been assigned by such employer.
- (8) Fail to return to the employer or the board a registration card as required by the provisions of this Chapter.
- (9) Possess a license or registration card issued to another person.

(10) Use any uniform, badge, or shield not in conformance with this Chapter.

(11) Provide security for any obvious criminal conduct.

(12) Engage the services of any private security business which does not possess a valid license issued by this board pursuant to the provisions of this Chapter, when such person has received via certified mail or personal service official written notice from the board that the private security business does not possess a valid license to operate pursuant to the provisions of this Chapter.

§ 3292. Violations; penalties

A. No person shall engage in the private security business except in accordance with this Chapter and the rules and regulations adopted by the board hereunder.

B. Whoever willfully violates any provisions of this Chapter shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than ten days nor more than five months, or both.

§ 3293. Cease and desist order; injunctive relief

A. In addition to or in lieu of the criminal penalties and administrative sanctions provided in this Chapter, the board is empowered to issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this Chapter, directing such person or firm to forthwith cease and desist from such activity, conduct, or practice. Such order shall be issued in the name of the state of Louisiana, under the official seal of the board.

B. If the person or firm to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within three working days from service of such cease and desist order by certified mail, the board may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or firm from engaging in any activity, conduct, or practice prohibited by this Chapter.

C. (1) Upon a proper showing by the board that such person or firm has engaged in any activity, conduct, or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices complained of, all without the necessity of the board having to give bond as usually required in such cases.

(2) A temporary restraining order, preliminary injunction, or permanent injunction issued hereunder shall not be subject to being released upon bond.

§ 3294. Sole proprietorship, partnership, corporation, association with licensed business

A. This Chapter shall not prohibit one or more businesses from practicing through a partnership, corporation, or association.

B. In any partnership, corporation, or association whose primary activity consists of providing services regulated by this Chapter, at least one partner or corporate officer shall be licensed as a business under this Chapter.

§ 3295. Fund of the board of private security examiners

All fees, administrative fines and cost collected under the provisions of this Chapter shall be paid into the state treasury on or before the twenty-fifth day of the month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated therefrom to pay all obligations secured by the full faith and credit of the state which become due and payable within each fiscal year, the treasurer shall pay an amount equal to the total amount of funds paid into the treasury into a special fund, which is hereby

created in the state treasury and designated as the Louisiana State Board of Private Security Examiners Fund. In addition, all other money made available for use as provided in this Chapter shall be credited to this fund.

§ 3296. Adoption of rules

The adoption of any rule or regulation, guideline, substantive procedure, or code of conduct shall be subject to the provisions of the Administrative Procedure Act.

§ 3297. Local governmental restrictions; superseded local governmental laws, code, or ordinances

A. From and after the effective date of this Chapter, no governmental subdivision of this state shall enact any legislation, code, or ordinance or promulgate any rules or regulations relating to the licensing, training, or regulations of contract security companies other than the imposition of a bona fide business tax.

B. Upon said effective date, any provisions of any legislation, code, or ordinance, or rules promulgated by any local governmental subdivision of this state which relates to licensing, training, or regulation of licensees and registrants, as defined herein, shall be superseded by this Chapter.

§ 3298. Inapplicability

A. This Chapter shall not apply to a person or corporation which employs persons who do private security work in connection with the affairs of such employer only and who have an employer-employee relationship with such employer. Neither such persons or corporations nor their employees shall be required to register or be licensed under this Chapter.

B. This Chapter shall not apply to a peace officer employed by a state, parish, or local law enforcement agency who contracts directly with an employer to work during his off-duty hours and whose off-duty employment is conducted on an independent contractor basis with an employer; however, nothing herein shall be construed to authorize peace officers to employ non-commissioned peace officers to perform any private security functions as defined in this Subsection.

C. This Chapter shall not be construed to apply to a federal peace officer or federal law enforcement officer.

D. This Chapter shall not apply to a peace officer or to a contract security business owned by a peace officer who is employed by the Fourth Judicial District by a state, parish, or local law enforcement agency and has off-duty employment with a private security business or agency. Such business or agency or peace officer shall have in effect the required insurance as provided in this Chapter.

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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIX. Private Security Examiners

**Chapter 1. Definitions, Organization,
Board Membership and General
Provisions**

§101. Definitions

Date of Hire• date applicant begins performing the functions and duties of a security officer.

Dog Handler• an individual who is accompanied by a trained protection dog while performing the duties of a security officer as defined in R.S. 37:3272. He shall be considered unarmed unless he falls under the definition of an armed security officer.

Emergency Assignment• any unplanned or unexpected event not covered by a prior contractual agreement.

Weapon• any firearm or baton approved by the board.

NOTE: In addition to the above definitions, terms outlined in these rules shall be found in R.S. 37:3272.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:751 (December 1987), amended LR 15:846 (October 1989), LR 18:189 (February 1992), LR 23:587 (May 1997), LR 26:1067 (May 2000).

§103. Organization, Board Membership and General Provisions

A. The private security regulatory and licensing law (R.S. 37:3270, et seq.) shall be administered by the Board of Private Security Examiners, hereinafter referred to as the board.

B. The official seal of the board consists of the Louisiana state seal with a pelican in the middle.

C. The board shall consist of nine members appointed by the governor for a term concurrent with the term of office of the appointing governor. No member of the board shall be employed by a person or company who employs any other member of the board.

D. The chairperson shall exercise general supervision of the board's affairs, shall preside at all meetings when present, shall appoint members to committees as needed to fulfill the duties of the board, and shall perform all other duties pertaining to the office as deemed necessary and appropriate.

E. The vice-chairperson shall perform the duties of the chairperson in his absence or other duties assigned by the chairperson.

F. Standing committees of the board are:

1. general committee-duties to include special projects as authorized by the chairperson;

2. finance committee-duties to include periodic review of the budget, recommendations regarding the establishment of fees charged by the board, and recommendations to the board regarding all expenditures requested by the executive secretary in excess of \$500; and

3. ethics committee-duties to include review of allegations and recommendations to the board regarding any alleged misconduct, incompetence or neglect of duty by board members.

G. Each board member shall have one vote on all motions. Proxy voting is not allowed.

H. The board shall appoint an executive secretary to serve as the chief administrative officer of the board. The executive secretary serves at the pleasure of the board and is a full-time employee of the board. He shall:

1. act as the board's recording and corresponding secretary and shall have custody of the records of the board;

2. cause written minutes of every meeting to be kept and open to inspection to the public;

3. keep the board's seal and affix it to such instruments and matters that require attest and approval of the board;

4. act as treasurer and receive and deposit all funds;

5. attest all itemized vouchers for payment of expenses of the board;

6. make such reports to the governor and legislature as provided for by law or as requested by same;

7. keep the records and books of account of the board's financial affairs;

8. give at least 15 calendar days prior notice to all persons who are to appear before the board;

9. sign off on cease and desist orders; and

10. any other duties as directed by the board.

I. The executive secretary may spend up to \$500 for board purchases without prior approval by the board or chairperson, and in accordance with the Division of Administration's rules governing purchases.

J. Meetings shall be announced and held in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.), and the Open Meetings Law (R.S. 42:4.2, et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:751 (December 1987), amended LR 15:11 (January 1989), LR 15:846 (October 1989), LR 18:189 (February 1992), LR 23:587 (May 1997), LR 26:1067 (May 2000).

§105. Consumer Information

A. Minutes of all board meetings shall be made available to the public upon written request to the board. A monetary fee may be assessed in accordance with Division of Administration rules and regulations.

B. Complaints to the board shall be in writing, signed by the individual making the complaint, and include a means by which to contact the individual for investigative purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 26:1068 (May 2000).

Chapter 2. Company Licensure

§201. Qualifications and Requirements for Company Licensure

A. Licensing information packages may be obtained from the board by submitting, in writing, a request for such package. Request shall include the name, address, and phone number of the person requesting this information.

B. An applicant for licensure shall meet all of the qualifications and requirements specified in R.S. 37:3276 in addition to the rules herein.

C. Applicant must possess a high school diploma, GED, or equivalent work experience.

D. Applicant shall fill out and file with the board a notarized application form provided and approved by the board. If the applicant is a corporation, it shall be subscribed and sworn to by at least two principal corporate officers.

E. In addition to the completed application, the following documentation shall be submitted to the board:

1. two sets of classifiable fingerprints on FBI fingerprint cards with the appropriate processing fee of the applicant or qualifying agent and/or of each officer, partner or shareholder (except for shareholders of publicly traded corporations);

2. letters attesting to good moral character from three reputable individuals, not related by blood or marriage, who have known the applicant or qualifying agent for at least five years;

3. copy of applicant's or qualifying agent's DD-214 military discharge papers showing type of discharge, if applicable;

4. copy of company's badge and insignia;

5. copy of occupational license from each city or parish in which that company or branch has security operations, if applicable;

6. a certificate of general public liability insurance in an amount as required by law with the state of Louisiana named as an additional insured;

7. articles of incorporation, if incorporated, and certificate of authority from the Louisiana secretary of state; and

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8. ~~\$200 licensing fee, \$20 application fee, \$50 examination fee and \$10 fingerprint processing fee.~~

F. It shall be unlawful for any individual to make an application to the board as qualifying agent unless that person intends to maintain and continues to maintain that supervisory position on a regular, full-time basis, or on a part-time basis if requested in writing by the applicant and approved by the board. A person may not be a qualifying agent for more than one licensee.

G. All material changes of fact affecting a company licensee must be communicated to the board, in writing, within 10 calendar days. These changes of facts include the following:

1. change in any of the principal corporate officers or noncorporate owners who hold a 25 percent or greater interest in the company, or qualifying agent, or any partner in a partnership;

2. change of business name, address or telephone number; and

3. change of ownership if the business is a sole proprietorship.

H. Any change of the current listed principal officers in a corporation that is a licensee must be accompanied with a copy of the minutes electing the new officers and verification that these changes have been recorded with the secretary of state's office.

I. Branch Office. A branch office of a board-licensed company may voluntarily register with the board by submitting the following documentation:

1. a letter from the licensee authorizing the board to register the branch office under the licensee. Letter shall also include the name of the designated branch manager, branch office address and phone number;

2. a current list of active security officers, and their social security numbers, who are to be registered with the designated branch officer; and

3. \$100 annual licensing fee to cover administrative costs.

NOTE: The board shall issue a license certificate to the branch office with an identifying branch office number.

J. Examination

1. All applicants who apply to the board for licensure are required to successfully pass a written examination administered by the board. The examination tests the applicant's knowledge of R.S. 37:3270, et seq., the board's rules and regulations and the security profession.

2. Applicants required to take the examination are those:

- a. applying for an initial company license;
- b. reinstating an expired license; and
- c. applying as a new qualifying agent for an approved, licensed company.

3. The passing grade of the examination shall be 70 percent.

4. An applicant who does not successfully pass the examination may reapply to take the examination twice within a six-month period. If the applicant does not successfully pass the examination as required, the application shall be referred to the board for action.

K. Insurance Renewal. On or before the expiration date of the required general liability insurance policy, licensee shall submit to the board a new certificate of insurance in an amount as required by law showing that insurance has been renewed and there has not been any lapse in coverage.

L. License Renewal

1. A company license shall expire annually on the date of issuance. Date of issuance means the date application was submitted to the board.

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2. ~~To renew a company license, licensee must submit a \$200 annual renewal fee to the board 30 days prior to the expiration date of license. If there have been any changes in the status of the company, then a new company application must also be submitted, along with a \$20 application fee.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections. Board of Private Security Examiners. LR 13:752 (December 1987), amended LR 15:847 (October 1989), LR 18:190 (February 1992), LR 23:588 (May 1997), LR 26:1068 (May 2000), LR 28:96 (January 2002), LR 28:2203 (October 2002).

§203. Application Procedure

A. Application must be made to the board on application forms obtained from the board. If the applicant is an individual, the application shall be subscribed and sworn to by such person. If the applicant is a partnership, the application shall be subscribed and sworn to by each partner. If the applicant is a corporation, it shall be subscribed and sworn to by at least two principal corporate officers. The application shall include the following information:

1. full name and business address of applicant; and if the applicant is a partnership, the name and address of each partner, or if a corporation, the name and address of the qualifying agent;

2. name under which the business is to operate;

3. address of the principal place of business and all branch offices of the applicant within this state, and the corporate headquarters of the business, if outside this state;

4. if the applicant is a corporation, the correct legal name, the state of incorporation, date of incorporation, date qualified to do business in Louisiana, along with a copy of the certificate of good standing, and the names of the two principal officers of the corporation, other than the qualifying agent, and the business address, residence address, and the office or position held by each within the company; further, if the qualifying agent is not a resident of Louisiana, the application shall also include the name and the address of the applicant's agent for service of process designated as required by law;

5. statement as to the general nature of the business;

6. if the applicant is to operate as a sole proprietor, he must furnish a copy of his occupational license with the application;

7. as to each individual applicant: or if the applicant is a partnership, as to each partner, or if the applicant is a corporation, as to the qualifying agent and two principal corporate officers, the following information:

a. full name;

b. age;

c. date and place of birth;

d. all residences during the immediate past five years;

e. all employment or occupations engaged in during the immediate past five years;

f. two sets of classifiable fingerprints on FBI fingerprint cards with the appropriate processing fee;

g. one recent photograph no larger than 2" x 2";

h. a general physical description;

i. letters attesting to good moral character from three reputable individuals, not related by blood or marriage, who have known the applicant(s) or qualifying agent for at least five years; and

j. a list of all convictions and/or pending criminal charges in any jurisdiction for any felony, crime involving moral turpitude, or illegal use of a dangerous weapon, for which a full pardon or similar relief has not been granted;

8. two classifiable sets of prints on FBI fingerprint cards with the appropriate processing fee for the applicant, or of the manager, of each officer, partner or shareholder (except for shareholders of publicly traded corporations);

9. copy of DD-214 form, if applicable, showing type of discharge;

10. general liability insurance:

a. the general liability policy as required by R.S. 37:3276 shall name the state of Louisiana as an additional insured and, at a minimum, shall contain coverage provisions for hiring, training and retention; errors and omissions; firearms; care, custody and control, with

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minimum limits equal to those set forth in R.S. 37:3276 for general liability coverage and with contractual liability exclusive of sole negligence. The policy shall not void coverage for all insureds based upon the exclusion of one insured:

b. a copy of the entire policy shall be submitted to the board upon issuance or renewal of the policy;

c. investigators acting on behalf of the Louisiana State Board of Private Security Examiners shall be empowered to investigate and report on the financial health of insurance companies authorized to issue such policies in Louisiana;

d. all companies issuing policies as required by R.S. 37:3276 shall certify policy compliance with the provisions of this Chapter:

11. copy of company's badge and insignia; and

12. copy of occupational license from parish where company or branch has operations.

B. Verification of required experience shall be in the form of affidavits from clients, employers, copy of DD-214, and other types of information the board may reasonably deem sufficient.

C. An administrative fee of \$25 made payable to the board will be assessed on all checks returned from the bank and deemed non-sufficient funds.

D. An administrative fee of \$25 made payable to the board will be assessed on all fingerprint cards repeatedly rejected by the Department of Public Safety.

E. Company applications must be notarized; however, individual security officer applications need not be.

F. Out-of-State Company

1. Companies wishing to do business in Louisiana must either incorporate here or be duly qualified to do business within this state with a valid certificate of authority issued by the secretary of state, and shall have an agent for service of process designated as required by law.

2. Out-of-state companies wishing to do business in Louisiana, who satisfied all the licensing requirements outlined in the law, may do so without examination if the state under which it holds a valid license has comparable licensing requirements. Verification of satisfactory completion of such other state's examination must be submitted to the board. If the out-of-state company is licensed by a state that does not have licensing requirements comparable to those of Louisiana, then the company must satisfy all the licensing requirements outlined in R.S. 37:3270, et seq.

3. Fees for out-of-state companies are the same as for in-state companies except that an out-of-state company shall be required to pay the board for the cost of transportation, lodging, and meals at the state rate when an examination of records is performed if those records are kept outside of the state.

G. It shall be unlawful for any individual to make an application to the board as qualifying agent unless that person intends to maintain and maintains that supervisory position on a regular, full-time basis.

H. Licenses issued by the board shall be valid for a one-year period beginning from the date application was submitted to the board.

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I. ~~Renewal Provisions. A \$200 annual renewal fee along with two FBI fingerprint cards and the appropriate processing fee for each person required to submit FBI fingerprint cards with the original application or who has subsequently become associated with the applicant in a capacity which would require submission of fingerprint cards for such person under these rules, must be submitted to the board 30 days prior to the expiration date of the license. If there have been any changes in the status of the company, then a new company application must also be submitted, along with a \$20 application fee.~~

J. All material changes of facts affecting the licensee must be communicated to the board, in writing, within 10 calendar days. These changes of facts include the following:

1. change in any of the principal corporate officers or qualifying agent of a corporation, any partner in a partnership, or individual, noncorporate owners of a 25 percent or greater interest in the applicant;

2. termination of a branch manager;

3. change of business name;

4. change of business address;

5. change of business telephone number; and

6. change of ownership if the business is a sole proprietorship.

K. Any change of the current listed principal officers in a corporation that is a licensee must be accompanied with a copy of the minutes electing the new officers and verification that these changes have been recorded with the secretary of state's office.

L. A branch office of a board-licensed company which desires to register with the board may do so on a voluntary basis at a fee of \$100 per year. A letter requesting to register a branch office, along with a current list of active security officers, including social security numbers, should be submitted to the board along with a \$100 check or money order made payable to the Board of Private Security Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:752 (December 1987), amended LR 15:12 (January 1989), LR 15:847 (October 1989), LR 26:1070 (May 2000), LR 28:97 (January 2002), LR 28:2203 (October 2002).

Chapter 3. Security Officer Registration

§301. Qualifications and Requirements for Security Officer Registration

A. An applicant for security officer registration shall meet all of the qualifications and requirements specified in R.S. 37:3283 in addition to the rules herein.

B. An applicant for security officer registration shall meet all of the qualifications of a licensee as defined in R.S. 37:3276, except:

1. the applicant may be a resident alien;
2. the applicant must be at least 18 years of age if registered unarmed, or if registered to carry a baton; and
3. the applicant must be at least 21 years of age if registered armed.

C. Any person who performs the functions and duties of a security officer shall fill out and file with the board an application form provided and approved by the board. The application must be either postmarked or received in the board office within 20 calendar days of the applicant's date of hire.

D. In addition to the completed application, the following documentation on the applicant shall be submitted to the board:

1. one set of classifiable fingerprints;
2. copy of DD-214 military discharge papers showing type of discharge, if applicable;
3. non-refundable application fee and fingerprint processing fee;
4. if applicant has worked less than 20 calendar days, documentation must nevertheless be submitted, but without the required fees if a termination form is included showing the dates worked;
5. if a resident alien, copies of INS registration papers and completed Employment Eligibility Verification (Form I-9) together with identification documents submitted therewith;
6. if a U.S. citizen, copy of completed Employment Eligibility Verification (Form I-9) together with identification documents submitted therewith; and
7. copy of photo I.D.

E. Applicant must sign the application to certify that the information he is providing the board is correct.

F. Licensee shall review the application to insure that it has been properly completed and signed by the applicant. Licensee shall sign the application to certify that the applicant will be given the required training.

G. Licensee shall cut off the portion of the application identified as "temporary registration card," have the applicant complete required information, and instruct

applicant to carry temporary registration card at all times while on duty. Temporary registration card is valid until applicant receives a permanent registration card from the board.

H. An applicant who will be registered to carry a weapon must be trained in that weapon prior to carrying such on a job site and verification of training must be submitted by the licensee to the board at the time application is made. If the applicant has not been trained, then the licensee shall register the applicant as unarmed until such time as required training has been received and proof of training submitted to the board. If the training is received after 30 days, then a \$10 status change fee must be submitted in accordance with the rule for status changes.

I. Licensee shall notify the board, in writing, within 10 calendar days of any change in an applicant's status, eligibility, address, or phone number.

J. Dual Registration

1. A security officer who works for more than one licensed security company must register with the board for each individual company.

2. Each company a security officer is employed with shall submit an application marked "dual registration" with the required application fee. The application must be either postmarked or received in the board office within 20 calendar days of the applicant's date of hire.

3. Each company that a security officer is employed with is responsible for insuring that officer is trained in accordance with R.S. 37:3284 and the rules herein.

K. Registration Card

1. A registration card will not be issued until an investigation determines that the applicant meets the requirements to become registered and verification of training has been received by the board that the applicant has successfully completed required training.

2. A registration card is valid for two years based on date of hire. It shall be in the form of a pocket card and shall be issued to the registrant through the licensee with whom he is employed. Registrant must sign the back of the card immediately upon receipt.

3. A registration card is the property of the Louisiana State Board of Private Security Examiners and must be surrendered to the board upon request.

4. Registration card classifications are as follows:

- a. revolver;
- b. straight baton;
- c. revolver and shotgun;
- d. 9mm and shotgun;
- e. revolver and baton;
- f. shotgun;

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- g. shotgun and PR-24 baton;
- h. shotgun and baton;
- i. PR-24 baton;
- j. revolver and PR-24 baton;
- k. 9mm semiautomatic;
- l. 9mm and baton;
- m. unarmed;
- n. unarmed only;
- o. 9mm and PR-24 baton;
- p. 40 caliber semiautomatic; and
- q. 40 caliber semiautomatic and baton.

5. If a registration card is lost or mutilated, registrant is responsible. A \$10 fee will be assessed to issue a replacement card and registrant shall submit, in writing, to the board his name, social security number, registration card number, and circumstances surrounding loss or mutilation of card.

6. Prior to or after issuance of any registration card, the board may require documented evidence verifying the applicant meets, or continues to meet, all requirements to be registered with the board.

L. Reinstatement

REVISED

1. ~~A registrant who terminates employment from a licensee and is rehired within 30 calendar days by the same licensee may be reinstated by licensee submitting, in writing, a request to have registrant reinstated, accompanied by a \$10 reinstatement fee.~~

2. Written request must provide the security officer's name, social security number, date of termination, and date of reinstatement.

M. Renewal

1. The board will notify the licensee 60 days prior to the expiration date of the registration card of each registrant in their employ.

2. A renewal application and required renewal fee must be submitted to the board not less than 30 days prior to the expiration date of the registration card.

N. Emergency Assignment

1. Unarmed security officers may work emergency assignments a maximum of 20 calendar days within a six-month consecutive period.

2. Registration requirements set forth in §301.D.5 apply.

3. Armed security officers must be registered with the board and have received all firearms training prior to working an armed post.

O. Status Change

REVISED

1. ~~A registrant's status may be changed from unarmed to armed, or vice versa, by submitting a letter to the board requesting a status change with a \$10 status change fee.~~

2. Firearms training verification must be received by the board before the officer's status can be changed to armed.

P. Re-Employment

1. When a registrant is re-employed by one licensee from another, the new licensee is responsible for insuring that the officer is trained, or has been trained in accordance with R.S. 37:3284 and the rules herein, and that proper documentation is, or has been, received by the board.

2. If registrant terminates employment with one employer and is re-employed within 30 calendar days, the new employer, within 20 days of such re-employment, shall submit to the board a reapplication on a form prescribed by the board, together with a reapplication fee paid by the new employer. The board shall then issue a new registration card reflecting the name or license number, or both, of the new employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:753 (December 1987), amended LR 15:12 (January 1989), LR 15:848 (October 1989), LR 18:191 (February 1992), LR 23:588 (May 1997), LR 26:1072 (May 2000), LR 27:1241 (August 2001), LR 28:2204 (October 2002).

Chapter 4. Training

§401. Training Programs

A. All board-required training shall be administered by a licensed instructor. The board shall approve all training programs and shall develop training criteria outlining specific curriculum to be used in the instructing and training of all security officers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:755 (December 1987), amended LR 15:13 (January 1989), LR 15:850 (October 1989), LR 18:192 (February 1992), LR 26:1072 (May 2000).

§403. Classroom Training

A. Any security officer employed after September 1, 1985 shall complete, within 30 days from his date of hire, eight hours' classroom training under a board-licensed classroom instructor.

B. Security officer shall have 60 days from date of first work assignment to complete an additional eight-hour classroom training program which has been approved by the board.

C. Upon completion of each of the eight-hour segments of the prescribed training, a 50-question examination shall be given to each security officer by the board-licensed instructor. The first eight-hour examination shall be different

from the second eight-hour examination, cover the required training topics, and be approved by the board prior to being administered. Minimum passing score is 70 percent.

D. All scores of such examinations must be recorded and submitted to the board by the licensee or employer, as the case may be, on its prescribed training verification form signed by the licensed instructor within 15 calendar days from completion of training.

E. Security officers who have been registered in other states who have licensing requirements similar to Louisiana, and law enforcement officers identified in R.S. 37:3284 may attend a four-hour modular training program administered by a board-licensed instructor. Upon completion of the four-hour modular training, the officer shall take a 50-question examination, and if the security officer successfully passes the examination, this modular training shall be considered the equivalent to the classroom training provided for in R.S. 37:3284 and rules herein. If the security officer does not successfully pass the examination, then he must go through the entire classroom training program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:755 (December 1987), amended LR 15:850 (October 1989), LR 18:192 (February 1992), LR 23:588 (May 1997), LR 26:1072 (May 2000).

§405. Firearms Training

A. Armed security officers, in addition to the training requirements outlined in R.S. 37:3284 and in the rules herein, shall complete firearms training and range qualifications by a board-licensed firearms instructor, as prescribed by the board, prior to working an armed assignment. Examination scores must be recorded and submitted to the board by the licensee or employer, as the case may be, on its prescribed verification form signed by the licensed instructor within 15 calendar days from completion of training.

B. Upon completion of the prescribed firearms training, a written examination will be given to each security officer by the board-licensed firearms instructor. The examination shall cover the required training topics and be approved by the board. Minimum passing score is 70 percent.

C. Successful completion of firearms training also includes the security officer passing the board required firearms proficiency course by achieving a minimum marksmanship qualifying score of 80 percent.

D. Annual refresher firearms training, as outlined in Subsection F below, is due one year from the date of the last firearms training recorded at the board office. The anniversary date will not change if the training is taken within 30 days prior to said date.

E. Authorized Weapons. The following weapons are the only weapons authorized and approved by the board:

1. straight baton or PR-24 baton;

2. .357 caliber revolver, minimum four inch barrel with .357 or .38 caliber ammunition or .38 caliber revolver, minimum four inch barrel with .38 caliber ammunition only;

3. 9mm semiautomatic, minimum four inch barrel, double action; and

4. shotgun;

5. .40 caliber weapon, minimum 4-inch barrel.

F. Handgun Proficiency Course. The handgun proficiency course shall have the following requirements:

1. a score of 80 percent required to qualify, 200 points out of 250 points:

2. an approved standard police or security firearms' target shall be used;

3. the caliber weapon trained with must be the same caliber weapon the security officer carries while on duty; and

4. the handgun course of fire shall be:

- a. at a distance of four yards: 12 shots, unsupported, point shooting, without sights: 45 seconds:

- i. six shots, strong hand only; and

- ii. six shots, weak hand only;

- b. at a distance of seven yards:

- i. two shots, unsupported, two-handed with sights: five seconds (indexing these rounds);

- ii. 12 shots, unsupported, two-handed with sights: 60 seconds; and

- iii. 12 shots, unsupported, two-handed point shooting: 60 seconds; and

- c. at a distance of 15 yards:

- i. 12 shots, barricade, strong hand: 60 seconds; and

- ii. 12 shots, barricade, two handed with sights: 60 seconds:

- (a). six shots, standing right barricade; and

- (b). six shots, standing left barricade.

G. Semiautomatic Handgun

1. A board-licensed semiautomatic firearms instructor must train the officer in the use of a semiautomatic handgun prior to him carrying such weapon on a job site. The board-licensed semiautomatic firearms instructor must meet the same qualifications of a firearms instructor as required by R.S. 37:3284.

2. The semiautomatic proficiency course used by the firearms instructor must be certified by the National Rifle Association, Department of Energy or P.O.S.T., and proof of such certification shall be submitted to the board for approval and verification.

H. Shotgun Proficiency Course. The shotgun proficiency course shall have the following requirements.

1. Training in use of shotgun is to be taught only if the security officer is required to carry a shotgun in the performance of his duties.

2. The shotgun course of fire shall be:

a. five rounds of buckshot (nine pellets only): 60 percent required to qualify out of 90 points possible on an NRA B-27 target. B-29 target may be used for 25 yards or 15 yards;

b. scoring: two points for each hit within the seven ring. One point for each hit outside the seven ring, in the black;

c. at a distance of 15 yards: two rounds, standing from the shoulder: 10 seconds;

d. at a distance of 25 yards: two rounds total from the shoulder: one round standing, two rounds kneeling. Time includes loading time with the shotgun starting from the "cruiser safe" position (chamber empty, magazine loaded, safety on): 20 seconds.

I. Security officers are prohibited from carrying rifles, except when requested in writing the executive secretary on a case-by-case basis may authorize the carrying of a semiautomatic rifle in the event of a national security emergency or public safety necessity. Denial by the executive secretary is appealable to the board. Security officers shall be required to complete the training required in §405.J before they may carry a semiautomatic rifle when authorized by the executive secretary.

J. Semiautomatic Rifle Proficiency Course. The semiautomatic rifle proficiency course shall have the following requirements.

1. Training in use of a semiautomatic rifle is to be taught only if the security officer is required to carry a semiautomatic rifle in the performance of his duties.

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2. ~~Security officer shall qualify with a semiautomatic rifle by firing the 100-yard course of fire specified by the National Rifle Association or a nationally recognized equivalent course of fire approved by the board. Qualifying score shall be an accumulated total of 80 percent of the maximum obtainable score.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:755 (December 1987), amended LR 15:13 (January 1989), LR 15:850 (October 1989), LR 18:192 (February 1992), LR 23:588 (May 1997), LR 26:1073 (May 2000), LR 27:1241 (August 2001), LR 28:2204 (October 2002).

§407. Baton Training

A. Security officers carrying a straight baton as a weapon must successfully complete a minimum of eight hours of an initial straight baton training course approved by the board and administered by a board-licensed straight baton

instructor prior to carrying such weapon on duty. Security officer must also successfully complete a four-hour annual refresher straight baton training program approved by the board.

B. Security officers carrying a PR-24 baton as a weapon must successfully complete a minimum eight hours of a prebasic PR-24 baton training course approved by the board and administered by a board-licensed PR-24 baton instructor prior to carrying such weapon on post. Security officer must also successfully complete a four-hour annual refresher PR-24 baton training program approved by the board.

C. The board-licensed baton instructor must meet the same qualifications of a classroom instructor as required by R.S. 37:3284 and must possess a board-recognized law enforcement baton certification.

D. Annual baton refresher training is due one year from the date of the last baton training recorded at the board office.

E. Security officers trained in baton must successfully pass a written examination administered by a board-licensed baton instructor and achieve a minimum passing score of 70 percent. Examination scores must be recorded and submitted to the board by the licensee or employer, as the case may be, on its prescribed verification form signed by the licensed instructor within 15 calendar days from completion of training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 18:193 (February 1992), amended LR 23:589 (May 1997), LR 26:1073 (May 2000).

§409. Instructor Requirements, Responsibilities and

Liability **REVISED**

A. ~~The board shall collect the following instructor fees pursuant to R.S. 37:3286.~~

1. application fee	\$20
2. in-house/outside classroom license fee	\$50
3. in-house/outside firearms license fee	\$75
4. in-house/outside baton license fee	\$50
5. transfer application fee	\$20
6. in-house/outside classroom renewal license fee	\$50
7. in-house/outside firearms renewal license fee	\$75
8. in-house/outside baton renewal license fee	\$50
9. examination fee	\$25
10. reexamination fee	\$15

B. An applicant applying for an instructor license who does not successfully pass the required examination may reapply to take the examination twice within a six-month period. If the applicant does not successfully pass the examination as required, the application shall be referred to the board for action.

C. Instructor Responsibilities and Liability

1. An in-house instructor who is covered under his employer's company insurance policy shall be required to have his employer submit a letter to the board stating that he is covered under the company policy for the teaching of security officers. If not covered under a company insurance policy, an instructor must provide a certificate of general public liability insurance in an amount as required by law, with the state of Louisiana named as an additional insured.

2. Licensed instructors are required to keep on file for three years records of training tests and any other documentation that verifies the test scores achieved by security officers they trained.

D. License Renewal

1. Instructor licenses issued by the board shall be valid for two years. Expiration date is based on the date the license is approved and issued.

2. To renew an instructor license, instructor shall submit to the board a renewal application form provided by the board and the required renewal fee 30 days prior to the expiration date of license.

E. Insurance Renewal. On or before the expiration date of the general liability insurance policy, instructor shall submit to the board a new certificate of insurance in an amount as required by law showing that insurance has been renewed and there has not been any lapse of coverage.

F. License Classification. Instructor licenses are categorized as follows.

In-House• licensed with a security company and may only teach security officers employed with that company.

Outside• licensed to train anyone in the state of Louisiana.

Outside Limited• licensed to teach students at a training academy or educational institution. Instructor may only teach students of that particular institution.

G. License Transfer

REVISED

1. ~~An instructor may transfer his license to another company by submitting to the board a transfer application, \$20 transfer fee, and proof of general liability insurance coverage.~~

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2. ~~An in-house instructor who desires to become an outside instructor shall submit a new instructor application, \$20 application fee, proof of general liability insurance and training program that will be used to teach the students.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, 13:755 (December 1987), amended LR 18:194 (February 1992), LR 23:589 (May 1997), LR 26:1074 (May 2000).

Chapter 5. Criminal Background Checks

§501. Criminal Background Checks

A. Dispositions

1. If an applicant has been convicted of any crime that would prevent him from meeting the qualifications of a licensee or registrant as specified in R.S. 37:3276, it shall be incumbent upon the applicant to submit with his application documentation showing proof that he has been pardoned for that crime.

2. If an applicant possesses an arrest record as issued by the Louisiana State Police, Bureau of Identification, without the disposition thereof, it shall be incumbent upon the applicant, within 30 days, to provide the written disposition of his arrest from the district attorney's office or the criminal clerk of court's office from the judicial district in which the arrest occurred.

3. If the applicant does not provide the written disposition as required, the board shall have sufficient cause to deny the application.

B. Denial of Application Due to Conviction

1. If an applicant has a felony conviction, as evidenced by the background check run by the Louisiana State Police, Bureau of Identification, then his employment as a security officer must be terminated immediately unless he has provided the board with documentation showing proof that he has received a pardon or similar relief.

2. The board will notify the employer that the officer has been denied and it is incumbent upon the employer to submit to the board a termination notice within 10 calendar days after denial notification.

3. If the background check reveals a misdemeanor conviction that would disqualify the applicant under the provisions of R.S. 37:3270-3298 and the rules herein, he may continue to work pending the outcome of the appeal process.

4. If the applicant does not appeal the board's denial of his application due to his misdemeanor conviction, then the applicant must be terminated 30 days after receipt of written notice of denial from the board.

5. The board will notify the applicant and his employer if the application is denied and the reason therefor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15:849 (October 1989), LR 18:194 (February 1992), LR 26:1074 (May 2000).

Chapter 6. Disciplinary Action

§601. Contested Proceedings

A. Before revoking or suspending a license or registration card, or imposing fines or costs over \$500, the board will afford the applicant an opportunity for a hearing after reasonable notice of not less than 15 days, except in a case of a failure to maintain the required insurance or when a registrant is found carrying an unauthorized weapon while performing the duties of a security officer.

B. All requests for a hearing must be submitted in writing to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:756 (December 1987), amended LR 18:194 (February 1992), LR 26:1074 (May 2000).

§603. Final Decision and Orders

A. All final decisions and orders of the board shall be in writing and signed by the executive secretary or chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:756 (December 1987), amended LR 18:195 (February 1992), repromulgated LR 26:1075 (May 2000).

Chapter 7. Insignias, Markings, Restrictions

§701. Restrictions

A. No badge or insignia with the initials "SP" or "SO" may be worn on the uniform of a registrant.

B. A licensee shall not display red or blue emergency lights on any vehicle used on a security assignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:758 (December 1987), amended LR 15:14 (January 1989), LR 15:852 (October 1989), LR 18:195 (February 1992), LR 26:1074 (May 2000).

§703. Alcohol Restrictions

A. No licensee, as defined in R.S. 37:3270 et seq., shall sell, dispense or handle alcoholic beverages of high or low alcohol content, or in any manner perform those functions for which a permit is required by R.S. 26:932, while on duty as a security officer as defined in R.S. 37:3272. Further, in no event shall any licensed security officer sell, dispense, or handle alcohol while in uniform, regardless of whether or not such officer is on duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 27:735 (May 2001).

Chapter 8. Licensee Suitability, Records, Investigations, and Registrant Violations

§801. Licensee's Suitability and Business Relationships

A. The board may deny an application, suspend, revoke, or restrict a licensee upon the vote of four concurring members when it finds that the licensee or business entity is unsuitable for the purpose of its license or endangers the health, safety, or welfare of the citizens of this state.

B. In determining the suitability of an applicant or licensee or other persons or business entities, the board may consider the following:

1. general character, including honesty and integrity;
2. financial security and stability, competency, and business experience in the capacity of the relationship; and
3. refusal to provide records, information, equipment, or access to premises to any authorized representative of the board, or any law enforcement officer when such access is reasonably necessary to insure compliance with R.S. 37:3270-3298 and the rules herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15:852 (October 1989), LR 18:195 (February 1992), LR 26:1075 (May 2000).

§803. Employee Records Required to be Kept and Subject to Inspection

A. The licensee is required to keep on file the following documentation on each registrant in their employment up to three years from date of termination. Such documentation is subject to inspection as may reasonably be required by an authorized representative of the board during reasonable business hours:

1. current residence and phone number of all registrants;
2. copy of the application submitted to the board;
3. copy of training verification form submitted to the board and original training tests completed by any registrant trained by such company, and any other documented information on required training;
4. copy of registration card issued by the board; and
5. copy of termination notice.

B. An authorized representative of the board shall be defined as the executive secretary, investigator, or staff member of the board. Board members are not authorized to inspect employee records of licensees without the voting approval of the majority of the board at a public board meeting.

C. Licensee shall make available to any authorized representative of the board for inspection such employee records and other information as the board may reasonably require to insure compliance with R.S. 37:3270-3298 and the rules herein.

D. The board shall notify the company, in writing, 15 days prior to the conducting of a routine inspection of employee records.

E. A company will have no more than 30 days to comply with the board's written findings as a result of an inspection, in addition to paying any assessed administrative fines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:757 (December 1987), amended LR 15:14 (January 1989), LR 18:195 (February 1992), LR 26:1075 (May 2000).

§805. Investigations

A. The board may investigate the actions of any licensee. The investigation shall be conducted for the purpose of determining whether a licensee is in compliance with R.S. 37:3270-3298 and the rules herein.

B. An investigation conducted by a duly authorized representative of the board is not to be construed as an inspection of files as described in §803.C hereof. It is an investigation of alleged violations by a licensee or registrant as a result of a complaint and is exempt from written and verbal notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:757 (December 1987), amended LR 18:195 (February 1992), LR 23:589 (May 1997), LR 26:1075 (May 2000).

§807. Violations by Registrants

A. In addition to violations specified in R.S. 37:3270, et seq. and the other parts of these rules, the following shall be considered violations by a registrant:

1. performing security duties for any other person other than the licensee with whom he is registered;
2. failure to sign registration card;
3. failure to affix a photograph of registrant, taken within the last six months, to registration card;
4. failure to timely surrender registration card when required to do so;
5. possession or use of any registration card which has been improperly altered;
6. defacing of a registration card; and
7. allowing improper use of a registration card.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:758 (December 1987), amended LR 15:852 (October 1989), LR 18:195 (February 1992), LR 23:589 (May 1997), LR 26:1075 (May 2000).

§809. Inspection of Records

A. Licensee shall make available to any authorized representative of the board for inspection such employee records and other information as the board may reasonably require to ensure compliance with the Private Security Regulatory and Licensing Law and with these rules and regulations.

B. The board shall notify the company, in writing, 15 days prior to the conducting of a routine inspection of employee records.

C. The board shall notify the company, in writing, three days prior to conducting an inspection of their employee records brought on by a complaint.

D. A company will have no more than 30 days to comply with the board's written findings as a result of any inspection in addition to paying any fine assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:757 (December 1987), amended LR 15:14 (January 1989), LR 15:852 (October 1989), LR 26:1075 (May 2000).

§811. Training Records

A. It is the responsibility of licensees and certified trainers to keep records of tests and firearms certification on training for each registrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:757 (December 1987), amended LR 26:1076 (May 2000).

§813. Unlawful Act

REVISED

A. ~~No person shall engage in the business of providing contract security services except in accordance with Chapter 7 and the rules and regulations adopted by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners. LR 13:758 (December 1987), amended LR 15:852 (October 1989), LR 26:1076 (May 2000).

Chapter 9. Administrative Penalties

§901. Administrative Penalties Pursuant to R.S. 37:3288

A. Any person who is determined by the board, after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act, to have committed an act that is a violation of R.S. 37:3270, et seq., or any rule herein, is subject to an administrative penalty of not more than \$500 per violation; and/or denial, suspension, or revocation of a license or registration card; and/or imposition of probationary conditions or other restrictions including assessment of administrative costs incurred.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:758 (December 1987), amended LR 18:196 (February 1992), LR 26:1076 (May 2000).

§903. Administrative Penalties Pursuant to R.S. 37:3288(B)

A. Licensees and registrants who violate provisions of R.S. 37:3270, et seq. and the rules herein may be assessed

administrative penalties by the executive secretary in lieu of, but not limited to, bringing licensee or registrant before the board at a hearing.

B. Assessed administrative fines may be appealed by submitting to the board a written request to appear before the board at the next scheduled board meeting.

C. In accordance with R.S. 37:3288.B, administrative penalty schedule is as follows.

Penalty Fee Schedule	Not to Exceed
Licensee's failure to submit security officer application, fingerprint card, and/or necessary registration fees within prescribed time period. If the application, fingerprint card, and/or registration fees are not submitted within 14 days after deadline date, administrative fine accumulates at a daily rate, not to exceed \$500.	\$25
Licensee's failure to resubmit fingerprint card after two written requests by the board when a deadline date is given. If the fingerprint card is not resubmitted within 14 days after deadline date, administrative fine accumulates at a daily rate, not to exceed \$500.	\$25
Licensee's failure to notify the board in writing within prescribed time period of security officers in their employ who have been terminated. If termination is not submitted within 14 days after deadline date, administrative fine accumulates at a daily rate, not to exceed \$500.	\$25
Licensee or registrant's failure to submit information as requested by the board when a deadline date is given. If information is not submitted within 14 days after deadline date, administrative fine accumulates at a daily rate, not to exceed \$500.	\$25
Licensee's failure to submit company license renewal fee prior to expiration date.	\$25/day up to \$500
Licensee's failure to submit renewal application and renewal fee for a registrant in their employ prior to expiration date. If the renewal application and renewal fee are not submitted within 14 days after deadline date, administrative fine accumulates at a daily rate, not to exceed \$500.	\$25
Licensee's failure to have registrant in their employ trained within prescribed time period. If registrant is not trained within 14 days after deadline date, administrative fine accumulates at a daily rate, not to exceed \$500.	\$25
Licensee's failure to submit to the board a training verification form on a registrant in their employ within prescribed time period. If training verification is not submitted within 14 days after deadline date, administrative fine accumulates at a daily rate, not to exceed \$500.	\$25
Registrant's failure to carry on his person a temporary or permanent registration card while on duty.	\$25
Fingerprint cards repeatedly rejected by the Department of Public Safety as non-classifiable due to smudges, not being fully rolled, etc.	\$25
Registrant's performing security duties for any other person other than the licensee with whom he is registered.	\$25
Registrant's failure to sign registration card.	\$25
Registrant's failure to affix a photograph of registrant, taken within the last six months, to registration card.	\$25
Registrant's failure to timely surrender registration card when required to do so.	\$25
Registrant's possession or use of any registration card which has been improperly altered.	\$25
Registrant's defacing of a registration card.	\$25
Registrant's allowing improper use of a registration card.	\$25
Registrant carrying an unauthorized weapon while on duty.	not less than \$25 nor more than \$100
Licensee or registrant's submission of a check to the board that is returned from the bank deemed non-sufficient funds.	\$25
Licensee allowing registrant to carry an unauthorized weapon while on duty.	not less than \$25 nor more than \$100

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15:14 (January 1989), LR 18:196 (February 1992), LR 26:1077 (May 2000).

§905. Request for Copies

A. Copies of these rules and regulations will be made available upon written request to the board, and a monetary fee will be assessed in accordance with the Division of Administration's rules governing public records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:758 (December 1987), repromulgated LR 26:1077 (May 2000).

§907. Public Comments

A. Upon adoption of these rules and regulations, the board, if requested to do so by an interested person within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:758 (December 1987), repromulgated LR 26:1077 (May 2000).

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Part LIX. Private Security Examiners
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Title 46
**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIX. Private Security Examiners

Chapter 2. Company Licensure

§201. Qualifications and Requirements for Company Licensure

A. - E.7. ...

8. licensing, application and examination fees prescribed by law, and the appropriate fingerprint processing fee.

F. - L.1. ...

2. To renew a company license, licensee must submit the annual renewal fee prescribed by law to the board 30 days prior to the expiration date of license. If there have been any changes in the status of the company, then a new company application must also be submitted, along with the application fee prescribed by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:752 (December 1987), amended LR 15:847 (October 1989), LR 18:190 (February 1992), LR 23:588 (May 1997), LR 26:1068 (May 2000), LR 28:96 (January 2002), LR 28:2203 (October 2002), LR 31:1599 (July 2005).

§203. Application Procedure

A. - H. ...

I. Renewal Provisions. The annual renewal fee prescribed by law must be submitted to the board 30 days prior to the expiration date of the license. If there have been any changes in the status of the company, then a new company application must also be submitted, along with the application fee prescribed by law.

J. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:752 (December 1987), amended LR 15:12 (January 1989), LR 15:847 (October 1989), LR 26:1070 (May 2000), LR 28:97 (January 2002), LR 28:2203 (October 2003), LR 31:1599 (July 2005).

Chapter 3. Security Officer Registration

§301. Qualifications and Requirements for Security Officer Registration

A. - K.6. ...

L. Reinstatement

1. A registrant who terminates employment from a licensee and is rehired within 60 calendar days by the same licensee may be reinstated by licensee submitting, in writing, a request to have registrant reinstated, accompanied by the reinstatement fee prescribed by law.

L.2 - N.3. ...

O. Status Change

1. A registrant's status may be changed from unarmed to armed, or vice versa, by submitting a letter to the board

RULE

**Department of Public Safety and Corrections
Board of Private Security Examiners**

Licensure and Training

(LAC 46:LIX.201, 203, 301, 405, 409, and 813)

Under the authority of the Private Security Regulatory and Licensing Law, R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the executive secretary gives notice that the Louisiana State Board of Private Security Examiners Rules, LAC 46:LIX.201, 203, 301, 405, 409, and 813, have been amended as follows.

requesting a status change with the status change fee prescribed by law.

O.2 - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), amended LR 15:12 (January 1989), LR 15:348 (October 1989), LR 18:191 (February 1992), LR 23:588 (May 1997), LR 26:1072 (May 2000), LR 27:1241 (August 2001), LR 28:2204 (October 2002), LR 31:1599 (July 2005).

Chapter 4. Training

§405. Firearms Training

A. - J.1. ...

2. Security officer shall qualify with a semiautomatic rifle by firing the 100-yard course of fire specified by the National Rifle Association or a nationally recognized equivalent course of fire approved by the board, which course of fire may be reduced to 24 rounds using the accumulated totals to simulate 100 yards. Qualifying score shall be an accumulated total of 80 percent of the maximum obtainable score.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:755 (December 1987), amended LR 15:13 (January 1989), LR 15:850 (October 1989), LR 18:192 (February 1992), LR 23:588 (May 1997), LR 26:1073 (May 2000), LR 27:1241 (August 2001), LR 28:2204 (October 2002), LR 31:1600 (July 2005).

§409. Instructor Requirements, Responsibilities and Liability

A. The board shall collect the instructor fees prescribed in R.S. 37:3286.

B. - F. ...

G. License Transfer

1. An instructor may transfer his license to another company by submitting to the board a transfer application, the transfer fee prescribed by law, and proof of general liability insurance coverage.

2. An in-house instructor who desires to become an outside instructor shall submit a new instructor application, the application fee prescribed by law, proof of general liability insurance and training program that will be used to teach the students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:755 (December 1987), amended LR 18:194 (February 1992), LR 23:589 (May 1997), LR 26:1074 (May 2000), LR 31:1600 (July 2005).

Chapter 8. Licensee Suitability, Records, Investigations, and Registrant Violations

§813. Unlawful Act

A. No person shall engage in the business of providing contract security services except in accordance with Chapter 2 and the rules and regulations adopted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security

Examiners, LR 13:758 (December 1987), amended LR 15:852 (October 1989), LR 26:1076 (May 2000), LR 31:1600 (July 2005).

Wayne R. Rogillio
Executive Secretary

0507#003